

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 868 of 1994

with

WITH CIVIL APPLICATION NO.6408 OF 1996

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For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMESHCHANDRA M.PARMAR,

Versus

STATE OF GUJARAT

Appearance:

MR A.M. PAREKH FOR MR. A.G. JOSHI, Advocate for the petitioner.

Miss B.R. GAJJAR A.G.P instructed by Mr. D.A.Bambania, Solicitor to Govt. for respondent Nos. 1 to 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 03/08/96

ORAL JUDGEMENT

At the instance of both the sides, the petition is taken up for final disposal.

The grievance of the petitioner is that though more than 2 years have elapsed after the sealed cover procedure was adopted in his case, his case has not been reviewed as per the provisions of the resolution dated 2nd April, 1983 which is annexed with the Civil Application. The learned Counsel for the petitioner submits that the petitioner confines his prayer only to consideration of his case as per the said resolution. As per the said resolution, in case the Appointing Authority comes to a conclusion that it would not be against the public interest to allow ad-hoc promotion to the official, his case should be placed before the next meeting of Departmental Promotion Committee to be held in the normal course, or other authorities, as the case may be, after the expiry of the two year period to decide whether the officer is suitable for promotion on an ad-hoc basis. It appears from the communication dated 2nd November, 1994 addressed to the Government by the Director of Police that the petitioner's name was placed in a sealed cover by the Departmental Selection Committee in March, 1991 and it was again ordered to be continued in the sealed cover in a meeting held in September, 1992. It however, appears that his case has not been reviewed in light of the resolution dated 2nd April, 1983. It would therefore be appropriate to direct the respondent authorities to consider the application of the petitioner dated 10.5.1995, a copy of which is at annexure "E" to the Civil Application for review of his case in accordance with the Government resolution dated 2.4.1983. The respondent authorities will take suitable decision in his case expeditiously preferably within two months of the receipt of this order. In view of these directions, the learned Counsel for the petitioner submits that the petitioner seeks permission to withdraw this petition. Permission granted. Rule is discharged with no order as to costs. The Civil Application stands rejected with no order as to costs. It will be open for the petitioner to challenge any adverse order that may be passed.
